IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16402 of 2003

Between:

Manne Nagamani, W/o. Sudhakar, Hindu
Husband's Protection, R/o. D.No.74-8-2, Patamata,
Vijayawada.

..... PETITIONER

AND

1 Union of India Rep by its Secretary
Ministry of Law, Justice & Company Affairs, New Delhi.
2 State Bank of Hyderabad Rep by its Regional Manager
Regional Office, Vijayawada.
3 The Authorised Officer State Bank of Hyderabad, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly a Writ of Mandamus, declaring that the provisions of Sections 13(2), 4 and 17 of Securitization and Reconstruction of Financial Assets and Enforcement of Security interest Act, 2002 as illegal and ultra vires to the provisions of Article 14 of the constitution of India and also declare that the possession Notice dated 20-6-2003 issued by the Respondent Nos.2 and 3 U/s. 13 of the Act 2002 is illegal, bad in law and set aside the same and pass such other order or orders.

Counsel for the Petitioner:MR.V.S.R.ANJANEYALU, Advocate.

Counsel for the Respondent No.1:MR.A.RAJASEKHAR REDDY, Standing

Counsel for Central Government.

For the Respondent No.2: SMT.P.BALA RANI, Advocate.

For the Respondent No.3: MR.K.V.SIMHADRI, Advocate.

The Court made the following :

ORAL ORDER: (per Hon"ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ.

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28th June, 200004 G.ROHINI, J.

Tvr/Jsu

To

1 The Secretary, Ministry of Law, Govt of India,New Delhi.
2 Regional Manager,State Bank of Hyderabad
Regional Office, Vijayawada.
3 The Authorised Officer State Bank of Hyderabad, Vijayawada.

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